

South Australia

Road Traffic (Miscellaneous) Variation Regulations 2016

under the *Road Traffic Act 1961*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Road Traffic (Miscellaneous) Regulations 2014*

- 4 Variation of regulation 3—Interpretation
 - 5 Substitution of regulation 48
 - 48 Light vehicles that are not to be driven without Ministerial approval (section 161A of Act)
 - 6 Insertion of regulation 64A
 - 64A Electric personal transporters
 - 7 Variation of Schedule 4—Expiation of offences
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Road Traffic (Miscellaneous) Variation Regulations 2016*.

2—Commencement

- (1) Subject to subregulation (2), these regulations come into operation on the day on which they are made.
- (2) Regulations 7(2) and 7(4) will come into operation 4 months after the day on which these regulations are made.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Road Traffic (Miscellaneous) Regulations 2014*

4—Variation of regulation 3—Interpretation

Regulation 3(1)—after the definition of *dog trailer* insert:

electric personal transporter—see regulation 64A;

5—Substitution of regulation 48

Regulation 48—delete the regulation and substitute:

48—Light vehicles that are not to be driven without Ministerial approval (section 161A of Act)

The following are declared to be classes of vehicles to which section 161A of the Act applies:

- (a) wind-powered light vehicles commonly known as land yachts;
- (b) bicycles that have an auxiliary motor comprised (in whole or in part) of an internal combustion engine;
- (c) electric personal transporters.

6—Insertion of regulation 64A

After regulation 64 insert:

64A—Electric personal transporters

- (1) An electric personal transporter or the driver, owner, operator or manufacturer of an electric personal transporter (as the case requires) is exempt from—
 - (a) the provisions of Parts 3, 3A, 4 and 4A of the Act (other than sections 43, 47, 47A(3), 47D, 47IA, 80 and 161A and Part 3 Division 9); and
 - (b) regulation 54 of these regulations,insofar as those provisions are applicable to such a vehicle or person.
- (2) A person must not drive an electric personal transporter on a road without due care or attention or without reasonable consideration for other persons using the road.
Maximum penalty: \$2 500.
- (3) A person must not, on a footpath or other road-related area, drive an electric personal transporter abreast of another vehicle or a wheeled recreational device or wheeled toy.
Maximum penalty: \$2 500.
- (4) A person who is driving an electric personal transporter on a footpath or other road-related area must, if it is necessary to do so for the purpose of averting danger, give warning (by a warning device or other means) to pedestrians or other persons using the footpath or other road-related area.
Maximum penalty: \$2 500.
- (5) A person must not drive, or be carried on, an electric personal transporter unless the person is wearing a safety helmet that complies with this regulation and is properly adjusted and securely fastened.
Maximum penalty: \$2 500.

- (6) The driver or operator of an electric personal transporter must not cause or permit a child under the age of 16 years to drive or be carried on the transporter unless the child is wearing a safety helmet that complies with this regulation and is properly adjusted and securely fastened.

Maximum penalty: \$2 500.

- (7) The driver or operator of an electric personal transporter must not cause or permit a child under the age of 12 years to drive or be carried on the transporter.

Maximum penalty: \$2 500.

- (8) The operator of an electric personal transporter must not cause or permit a person to drive the transporter unless the operator—

- (a) has first taken reasonable steps to provide the person with adequate instruction as to—
 - (i) the safe use of the transporter; and
 - (ii) the requirements of this regulation as to driving or being carried on the transporter; and
 - (iii) the area in which the transporter may be used; and
- (b) supervises the use of the transporter by the person to the extent that such supervision is reasonably required.

Maximum penalty: \$2 500.

- (9) If an electric personal transporter is involved in an accident in which a person is killed or injured and the operator of the transporter (not being the driver of the transporter) is present at the scene of the accident, the operator—

- (a) must give all possible assistance; and
- (b) not more than 90 minutes after the accident must report to a police officer at the scene or at a police station for the purpose of providing particulars of the accident.

Maximum penalty: \$2 500.

- (10) It is a defence to a charge of an offence against subregulation (5) or (6) for the defendant to prove that there were in the circumstances of the case special reasons justifying non-compliance with the requirements of the subregulation.

- (11) A requirement under subregulation (5) or (6) that a person be wearing a safety helmet does not apply if that person—

- (a) is of the Sikh religion; and
- (b) is wearing a turban.

- (12) It is a defence to a charge of an offence against subregulation (9) to prove that—
- (a) the defendant was unaware that the accident had occurred and that the defendant's lack of awareness was reasonable in the circumstances; or
 - (b) in relation only to a failure to comply with subregulation (9)(a), the defendant—
 - (i) genuinely believed on reasonable grounds that compliance with subregulation (9)(a) would endanger the physical safety of the defendant or another person; and
 - (ii) at the earliest opportunity notified police, ambulance or some other authority responsible for providing emergency services of the accident; or
 - (c) in relation only to a failure to comply with subregulation (9)(b), the defendant—
 - (i) had a reasonable excuse for the failure to comply; and
 - (ii) reported to a police officer as soon as possible after the accident.
- (13) A safety helmet complies with this regulation if it is a helmet approved for motor bike riders or bicycle riders under regulation 51.
- (14) In this regulation—
- electric personal transporter*** means a vehicle that—
- (a) has 2 wheels that operate on a single axis; and
 - (b) is designed to be self-balancing while a person is using the vehicle; and
 - (c) is propelled by 1 or more electric motors; and
 - (d) when propelled only by its motor or motors—
 - (i) is not capable of exceeding 12 kilometres per hour on level ground; or
 - (ii) is not capable of exceeding 20 kilometres per hour on level ground and has a control that, when engaged, prevents the vehicle from exceeding 12 kilometres per hour on level ground; and
 - (e) is no more than 850 mm wide at its widest point; and
 - (f) weighs 60 kg or less when the vehicle is not carrying a person or other load.

Note—

It is an offence to drive an electric personal transporter on a road without the approval of the Minister—see section 161A of the Act and regulation 48 of these regulations.

7—Variation of Schedule 4—Expiation of offences

- (1) Schedule 4, Part 2, item relating to section 164A(1), subitem relating to section 161A(1)—delete the subitem and substitute:

161A(1)	<i>Driving light vehicle to which section 161A applies without Ministerial approval</i>	
	(a) where vehicle being driven is a bicycle that has an auxiliary motor comprised (in whole or in part) of an internal combustion engine	\$358
	(b) in any other case	\$288

- (2) Schedule 4, Part 3, items relating to rules 248(1) and 248(2)—delete the items

- (3) Schedule 4, Part 4—after the item relating to regulation 64(2) insert:

64A(2)	<i>Driving electric personal transporter on road without due care or attention etc</i>	\$100
64A(3)	<i>Driving electric personal transporter on footpath or other road-related area abreast of another vehicle etc</i>	\$55
64A(4)	<i>Driving electric personal transporter on footpath or other road-related area without giving warning to pedestrians etc</i>	\$55
64A(5)	<i>Driving or being carried on electric personal transporter without wearing safety helmet complying with regulation and properly adjusted and securely fastened</i>	\$100
64A(6)	<i>Driver or operator of electric personal transporter causing or permitting child under 16 years to drive or be carried on the transporter without wearing safety helmet complying with regulation and properly adjusted and securely fastened</i>	\$100
64A(7)	<i>Driver or operator of electric personal transporter causing or permitting child under 12 years to drive or be carried on transporter</i>	\$100
64A(8)	<i>Operator of electric personal transporter failing to provide adequate instruction or reasonable supervision</i>	\$300

- (4) Schedule 4, Part 5—after the item relating to regulation 27(1) insert:

32(2)	<i>Riding bicycle on crossing—failing to cross in accordance with regulation</i>	\$55
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Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 15 December 2016

No 288 of 2016

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